

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2004/053066	International filing date (day/month/year) 23.11.2004	Priority date (day/month/year) 29.01.2004
International Patent Classification (IPC) or both national classification and IPC B67B7/04		
Applicant FARMITALY S.R.L.		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Authorized Officer
 European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	 Smolders, R Telephone No. +31 70 340-2814

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/EP2004/053066**10/58811****Box No. I Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	3,4,7,9,11-15
	No:	Claims	1,2,5,6,8,10
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-15
Industrial applicability (IA)	Yes:	Claims	1-15
	No:	Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1) Reference is made to the following documents:

D1: EP-A-0 955 264
D2: EP-A-0 041 026
D3: EP-A-0 748 761

- 2) The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
- 3) Document D1 is regarded as being the closest prior art to the subject-matter of independent claim 1, and discloses a corkscrew comprising a handgrip, a screw associated to said handgrip via a first pivoting connection, an arm comprising first abutting members and associated to said handgrip via a second connection that enables said arm to pivotally rotate, said arm being further capable of performing a second movement relative to said handgrip, and elastic means that are capable of affecting said second movement of said arm in view of assisting in pulling out a cork from a bottle.

Therefore, the subject-matter of claim 1 lacks novelty.

- 4) As document D1 discloses the features of claims 2, 5, 6, 8 and 10 too, these claims do not meet the criteria of Article 33(2) either.
- 5) Dependent claims 3, 4, 7, 9, 11 - 15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, the reasons being as follows:

The features of dependent claim 11 have already been employed for the same purpose in a similar corkscrew, see document D2, whereas the features of dependent claims 12 - 15 have been employed in another similar corkscrew, see

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AUTHORITY (SEPARATE SHEET)**

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document D3. It would therefore be obvious to the person skilled in the art, to apply these features with corresponding effect to a corkscrew according to document D1, thereby arriving at a corkscrew according to claims 11 - 15.

The features of claims 3, 4, 7 and 9 appear to be obvious to the man skilled in the art in consideration of the disclosure of the prior art known from these documents D1, D2 and D3, and/or they are regarded as normal design options.